IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 9112 of 2007(I)

PETITIONER:

1. SAJITHAKUMARY, KOCHUVEETIL KIZHAKKATHIL,
KDDAMPANADY NORTH,PATHANAMTHITTA DISTRICT.

2. SURENDRAN, S/O.RAGHAVAN,
PALAVILA PADINJATATHIL,
PARAKKODE P.O., ADOOR VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.K.MUHAMMED
SRI.IYPE JOSEPH

RESPONDENTS:

1. DIRECTOR OF HEALTH SERVICE,
DIRECTORATE OF HEALTH SERVICE,
GENERAL HOSPITAL,THIRUVANANTHAPURAM.

2. THE ADDITIONALB DIRECTOR OF HEALTH
SERVICE, DIRECTORATE OF HEALTH SERVICE,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER,
DISTRICT MEDICAL OFFICE,
PATHANAMTHITTA.

4. THE SECRETARY,
KERALA PUBLIC SERVICE COMMISSION,
PATTOM,THIRUVANANTHAPURAM.

5. DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION,
PATHANAMTHITTA.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN
SRI.P.C.SASIDHARAN SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.9112 of 2007

Dated this the 19th day of March, 2007

JUDGMENT

Counsel for the petitioner submits that notwithstanding Exts.P2 and P3 judgments - the former one by the Single Bench and latter one by the Division Bench - the first respondent has got the power to grant reliefs to the petitioners so that 5 more vacancies can be taken into account and those who were included in the expired rank list can be appointed.

2. I am unable to accept the above contention of the petitioners. The contentions sought to be urged as above were considered and answered by this Court in Exts.P2 and P3 judgments. This Court took notice of the fact that the ranked list did not continue in operation beyond 12.8.2005 and the vacancies which were not reported till then cannot be made use of, for advising candidates from that list. The opinion expressed by the learned Single Judge was, almost in similar lines,

affirmed by the Division Bench also. Since the respondents herein were parties to the above case, none of them can go against the view expressed by this Court after considering the contentions of the parties. The resultant position is that the law is not in favour of the petitioners. Hence, even if the first respondent is inclined to show a sympathetic attitude towards the petitioners, no relief can be granted to them. Therefore, I refuse to issue the writ sought for by the petitioners, namely, to direct the first respondent to consider and pass orders on Ext.P4. The writ petition is dismissed.

K.K.DENESAN, JUDGE

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